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IN THE

Supreme Court of the United States

OCTOBER TERM, 1963

No. 71

FEDERAL POWER COMMISSION, *Petitioner*

v.

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL.

No. 73

CITY OF COLTON, CALIFORNIA, *Petitioner*

v.

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL.

On Writs of Certiorari to the United States Court of Appeals for the Ninth Circuit

MOTION OF THE NATIONAL ASSOCIATION OF RAILROAD AND UTILITIES COMMISSIONERS THAT SAID ASSOCIATION BE GRANTED LEAVE TO JOIN IN THE BRIEF OF RESPONDENT PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA AS AMICUS CURIAE HEREIN

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October 14, 1963

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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I.

The National Association of Railroad and Utilities Commissioners, hereinafter referred to as "Association", is a voluntary organization, the membership of which embraces the members of the railroad and public utility regulatory commissions and boards of all the States of the United States. The members of the Public Utilities Commission of the State of California belong to the Association.

By the constitution of the Association its attorneys may be directed to appear on behalf of the Association, as distinguished from the individual commissions represented within its membership, in any proceeding pending before any court or commission in which it is felt that appearance on behalf of the Association should be made. This motion was duly authorized by the Executive Committee of the Association on August 2, 1963, and is made on behalf of the Association by direction of its Executive Committee in the general public interest.

II.

Because the regulatory commissions and boards represented in the membership of the Association are governmental bodies of the several States of the United States and have a vital interest in any judicial interpretation of Section 201 of the Federal Power Act, and because the motion made on their behalf is offered in the public interest of the peoples of said States, the Association respectfully represents that it should be permitted to join with the California Commission in its brief, as *amicus curiae* herein.

WHEREFORE, The Association respectfully requests that it be allowed to join in the brief of the Public Utilities Commission of the State of California on file herein.

Respectfully submitted,

AUSTIN L. ROBERTS, JR.,
Attorney for said Association
5310 ICC Building
P. O. Box 684
Washington 4, D. C.

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JOINDER OF NATIONAL ASSOCIATION OF RAILROAD AND UTILITIES COMMISSIONERS, AS AMICUS CURIAE, IN THE BRIEF OF RESPONDENT PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

By leave of this Court, the National Association of Railroad and Utilities Commissioners, as *amicus curiae*, files this joinder in the brief of the Public Utilities Commission of the State of California.

I.

The National Association of Railroad and Utilities Commissioners, hereinafter referred to as "Association", is a voluntary organization, the membership of which embraces the members of the railroad and public utility regulatory commissions and boards of all the States of the United States. The members of the Public Utilities Commission of the State of California belong to the Association.

By the Constitution of the Association its attorneys may be directed to appear on behalf of the Association, as distinguished from the individual commissions represented within its membership, in any proceeding pending before any court or commission in which it is felt that appearance on behalf of the Association should be made. This joinder presented herewith was duly authorized by the Eexecutive Committee of the Association on August 2, 1963, and is offered on behalf of the Association by direction of its Executive Committee in the general public interest.

II.

The brief of the Public Utilities Commission of the State of California on file herein contains a detailed discussion of the impact which reversal of the decision of the Court of Appeals for the Ninth Circuit would have on State regulation of sales of electric energy similar to the sales made by the Southern California Edison Company to the City of Colton, California. The National Association of Railroad and Utilities Commissioners concurs with the position taken by the Public Utilities Commission of the State of California, and specifically concurs in each of the contentions made

and authorities cited by that Commission in support of said position. The Association, therefore, respectfully joins in the position and argument set forth in said brief as if said brief were its own.

For the reasons stated in said brief, it is respectfully submitted that the judgment of the court below should be affirmed.

Respectfully submitted,

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